

The Supreme Court of South Carolina

Re: Amendments to the South Carolina Court-Annexed
Alternative Dispute Resolution Rules

Appellate Case No. 2015-002643

ORDER

Pursuant to Article V, § 4 of the South Carolina Constitution, Rules 1, 4, 20, 23, and 24 of the South Carolina Court-Annexed Alternative Dispute Resolution Rules are amended as set forth in the attachment to this order. These amendments shall be submitted to the General Assembly as provided in Article V, § 4A of the South Carolina Constitution.

s/ Costa M. Pleicones _____ C.J.

s/ Donald W. Beatty _____ J.

s/ John W. Kittredge _____ J.

s/ Kaye G. Hearn _____ J.

Columbia, South Carolina
January 28, 2016

Rule 1(a)(1) of the South Carolina Court-Annexed Alternative Dispute Resolution Rules (ADR Rules) is amended to provide:

Rule 1
Scope of Rules

These rules shall be construed to secure the just, speedy, inexpensive and collaborative resolution in every action to which they apply. These rules govern Alternative Dispute Resolution (ADR) processes in the courts of this State as follows:

(a) With the exceptions stated in Rule 3, these rules govern court-annexed ADR processes in South Carolina Circuit Courts in civil suits, and in South Carolina Family Courts in domestic relations actions:

- (1) in all counties in South Carolina; [1]
- (2) as required by statute; or
- (3) as ordered by a court of competent jurisdiction.

. . .

[1] See Supreme Court Order dated November 12, 2015.

Rule 4(a) and (b), ADR Rules, is amended to provide:

Rule 4
Selection or Appointment of Neutral

(a) **Eligibility.** A neutral may be a person who:

- (1) is a certified neutral under Rule 19; or
- (2) is not a certified neutral but, in the opinion of all the parties is otherwise qualified by training or experience to mediate, arbitrate or evaluate all or some of the issues in the action. If the

person is not a certified neutral, he or she must disclose the lack of certification and obtain written consent from all parties to the ADR Conference on a form approved by the Supreme Court or its designee.

(b) Roster of Certified Neutrals. The Board shall maintain a current roster ("Roster") of neutrals certified under Rule 19 who are willing to serve in each county. The Board shall make the Roster available to the clerks of court for each county. A certified neutral shall notify the Supreme Court's Board of Arbitrator and Mediator Certification if the neutral desires to be added to or deleted from the Roster. The Board and clerk of court for each county shall make this roster available to the public.

Rule 20(b)(1)(A), ADR Rules, is amended to provide:

(A) A minimum of four (4) hours of substantive family law instruction, to include statutes, rules and practice concerning family and related law in South Carolina, including the law regarding custody, visitation, support, division of property and alimony;

Rule 23, ADR Rules, is amended to provide:

Rule 23

Local Rule-Making

These rules shall be uniform for all counties. Local rules may be allowed only upon approval of the Supreme Court. Unless otherwise specified by these rules, all motions related to ADR or to these rules should be directed to the Chief Judge for Administrative Purposes.

Rule 24, ADR Rules, is amended to provide:

Rule 24
Application of Rules

These rules shall apply to cases filed in circuit or family court on or after the effective date of any Supreme Court order designating that county or court as subject to these rules.

SUBMITTED TO GENERAL ASSEMBLY